

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1479 OF 2024

Isak Pathan @ Babalu Pathan @ Isak

Chan Pathan

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Kamran S. Shaikh i/by Changdev S. Shingade for Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

Ms. Pooja Ramdas Chavan, PSI, Khopoli Police Station.

CORAM: MANISH PITALE, J.

DATE : 12th JUNE 2024

P.C. :

1. Heard learned counsel for the applicant.

2. By this application, the applicant seeks anticipatory bail in connection with FIR No. 0304 of 2023 dated 6th October 2023, registered at Khopoli Police Station, District Raigad, for offences under Sections 420, 465, 467 and 472 read with 120-B of the Indian Penal Code (IPC).

3. The case against the applicant is that he supplied impure gold showing it to be pure gold with hallmark embossed on it, in order to assist the co-accused persons in obtaining loan from Tamilnad Mercantile Bank Ltd. (hereinafter referred to as 'the Bank'). The informant in the present case is a Manager of the said bank and the Police was approached after the facts came to light as regards the impurity of the gold in exchange of which the co-accused persons had taken huge amounts of loan from the bank.

4. It was upon information provided by the co-accused persons, stating that the applicant was the supplier of such impure gold that the applicant was arrayed as an accused in the present case.

5. The learned counsel for the applicant submits that other than statements made by the co-accused persons, there is no material at all to connect the applicant with the present case. As regards certain amount transferred online by one of the co-accused person in the bank account of the applicant, it was explained that the same was in connection with the *bona fide* business of the applicant. In that context, reference is made to the licence under Shops and Establishment Act, issued in respect of the business of the applicant. It was submitted that the Sessions Court, while rejecting the anticipatory bail by order dated 20th March 2024, proceeded only on the allegations levelled against the applicant by the co-accused persons.

6. On the other hand, the learned APP pointed out that the applicant has criminal antecedents, in as much as, there are 7 cases registered against the applicant in Districts Solapur, Sindhudurg, Kolhapur and Osmanabad. In four such cases, offences have been registered against the applicant under Sections 420 and 406 of the IPC. It is submitted that the applicant is a habitual offender and he came in contact with the co-accused persons when he was in jail in connection with one of the other cases registered against him.

7. This Court has considered the material on record. The nature of offence in the present case indicates that the supplier of such impure gold can be said to be the kingpin, who enabled the co-accused persons to commit a fraud on the aforesaid bank, in order to take huge loan amounts. The material on record does show that impure gold was embossed with hallmark and deposited with the bank, posing it to be pure gold. The nature of the offence is serious, as the aggrieved bank has been misled into disbursing huge amounts to the co-accused persons. The allegation against the applicant is that he received huge cash amounts from the co-accused persons for supplying such impure gold. At least one online transaction is available on record to show that one of the co-accused person indeed transferred certain amount to the applicant. As to whether the said amount pertains to the *bona fide* business of the applicant is a matter of investigation. In any case, the FIR having been registered as far back as on 6th October 2023, considerable period of time has elapsed and the applicant has successfully avoided the process of law. Charge-sheet has been filed showing the applicant as absconding.

8. Considering the serious nature of the offence and the role attributed to the applicant, this is not a fit case for granting anticipatory bail. Hence, the application is rejected.